

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
DOUGLAS J. HORN and CINDY HARP-HORN,

Civ Action No: 15-cv-701 FPG/MJR

Plaintiff,

-against-

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants,

-----X

PLAINTIFF/APPELLANT'S INDEX TO THE RECORD ON APPEAL

Date Filed	#	Docket Text
08/30/2018	61	MOTION for Summary Judgment <i>and/or for Judgment on the Pleadings</i> by Medical Marijuana, Inc., Red Dice Holdings, LLC.. (Attachments: # 1 Statement of Undisputed Facts, # 2 Declaration Declaration of Roy A. Mura, Esq., # 3 Exhibit Exhibit A to Declaration of Roy A. Mura -- Complaint, # 4 Exhibit Exhibit B to Declaration of Roy A. Mura -- Answer of MMI and RDH, # 5 Exhibit Exhibit C to Declaration of Roy A. Mura -- EBT of Douglas Horn, # 6 Exhibit Exhibit D to Declaration of Roy A. Mura -- EBT of Cindy Harp-Horn, # 7 Exhibit Exhibit E to Declaration of Roy A. Mura -- Fall 2012 High Times Medical Marijuana Magazine, # 8 Exhibit Exhibit F to Declaration of Roy A. Mura -- EBT of Dr. Cindy Orser, # 9 Exhibit Exhibit G to Declaration of Roy A. Mura -- Expert Report of Dr. Cindy Orser, # 10 Exhibit Exhibit H to Declaration of Roy A. Mura -- CannLabs Testing Certificates, # 11 Declaration Declaration of Stuart W. Titus, PhD, # 12 Declaration Declaration of Michelle L. Sides, Esq., # 13 Exhibit Exhibit A to Declaration of Michelle L. Sides, # 14 Memorandum in Support)(Mura, Roy) (Entered: 08/30/2018)
08/30/2018	62	MOTION for Summary Judgment by Dixie Elixirs and Edibles. (Attachments: # 1 Memorandum in Support, # 2 Affidavit, # 3 Affidavit, # 4 Statement of Undisputed Facts, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16

		Exhibit)(Mazzola, Jean-Claude) (Entered: 08/30/2018)
11/16/2018	69	RESPONSE in Opposition re 61 MOTION for Summary Judgment <i>and/or for Judgment on the Pleadings</i> filed by Cindy Harp-Horn, Douglas J. Horn. (Attachments: # 1 Declaration, # 2 Exhibit Op Agr, # 3 Exhibit Dixie v. MMI, # 4 Exhibit SEC Filing, # 5 Exhibit Magazine, # 6 Exhibit First FAQ, # 7 Exhibit Second FAQ, # 8 Exhibit Invoice, # 9 Exhibit CRL Test, # 10 Exhibit Lab Test, # 11 Exhibit Email, # 12 Exhibit Cert of Analysis, # 13 Exhibit Bottle Label, # 14 Exhibit Launch, # 15 Exhibit Tamar Wise, # 16 Exhibit Deft Expert Dep, # 17 Exhibit Pltf Econ CV, # 18 Exhibit Expert Econ Report, # 19 Affidavit Plaintiffs' Affid, # 20 Affidavit Plaintiffs' Suppl Affid, # 21 Affidavit Affid Ellen Voie, # 22 Affidavit Affid Dr. Graham, # 23 Exhibit Graham CV, # 24 Exhibit Graham Report, # 25 Exhibit Graham Report 2, # 26 Memorandum in Support MOL - MMI)(Benjamin, Jeffrey) (Entered: 11/16/2018)
11/16/2018	70	RESPONSE in Opposition re 62 MOTION for Summary Judgment filed by Cindy Harp-Horn, Douglas J. Horn. (Attachments: # 1 Declaration, # 2 Exhibit Magazine, # 3 Exhibit First FAQ, # 4 Exhibit Second FAQ, # 5 Exhibit Invoice, # 6 Exhibit CRL Test, # 7 Exhibit Lab Test, # 8 Exhibit Email, # 9 Exhibit Cert of Analysis, # 10 Exhibit Bottle Label, # 11 Exhibit Launch, # 12 Exhibit Tamar Wise, # 13 Exhibit Deft Expert Dep, # 14 Exhibit Pltf Expert CV, # 15 Exhibit Pltf Expert Econ Report, # 16 Affidavit Pltf Affidavit, # 17 Affidavit Pltf Suppl Affid, # 18 Affidavit Affid Ellen Voie, # 19 Affidavit Affid Dr Graham, # 20 Exhibit Graham CV, # 21 Exhibit Graham Report, # 22 Exhibit Graham Report 2, # 23 Memorandum in Support MOL Dixie)(Benjamin, Jeffrey) (Entered: 11/16/2018)
12/07/2018	85	REPLY/RESPONSE to re 70 Response in Opposition to Motion,,, filed by Dixie Elixirs and Edibles. (Sheps, Hanoch) (Entered: 12/07/2018)
12/07/2018	86	MEMORANDUM in Support re 61 MOTION for Summary Judgment <i>and/or for Judgment on the Pleadings</i> filed by Medical Marijuana, Inc., Red Dice Holdings, LLC.. (Gvertz, Daniel) (Entered: 12/07/2018)
04/17/2019	88	DECISION AND ORDER: Plaintiffs' motion to amend 68 is GRANTED IN PART and DENIED IN PART. Defendants' motions to strike [71, 74] are DENIED. Plaintiffs' motion for partial summary judgment 60 is DENIED. Defendants' motions for summary judgment 61 62 are GRANTED IN PART and DENIED IN PART. As a result of these rulings, the only surviving claims are Douglas's claims for fraudulent inducement and civil RICO. All other claims

		against Defendants are dismissed. The Clerk of Court is directed to amend the name of Defendant "Dixie Elixirs and Edibles" to "Dixie Holdings, LLC a/k/a Dixie Elixirs." By separate order, the Court will schedule a status conference to hear from the parties on the progress of this action. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 4/17/2019. (MFM)
--	--	---

Dated: New York, New York

August 7, 2019

KUPILLAS, UNGER & BENJAMIN, LLP

Jeffrey Benjamin

Jeffrey Benjamin, Esq.,

Attorney for Plaintiffs

5 Penn Plaza, 23rd Floor

New York, New York 10001

(212) 655-9536